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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,677	02/10/2004	Jonathan J. Oliver	PA3630US	3791
22830	7590	09/11/2009	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
		2448		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary for Applications Under Accelerated Examination</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,677	OLIVER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHILIP C. LEE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,

**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,**

FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a Quayle action.

(Examiner: For FINAL actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

#### Status

- 1) Responsive to communication(s) filed on 20 July 2009.
- 2) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 3) Claim(s) 1-11, 13-17, 19-21 and 23-35 is/are pending in the application.
- 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) Claim(s) \_\_\_\_\_ is/are allowed.
- 5) Claim(s) 1-11, 13-17, 19-21 and 23-35 is/are rejected.
- 6) Claim(s) \_\_\_\_\_ is/are objected to.
- 7) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) The specification is objected to by the Examiner.
- 9) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  - See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

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1. This action is responsive to the amendment filed on July 20, 2009.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/09 has been entered.
3. Claims 1-11, 13-17, 19-21 and 23-35 are presented for examination.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

***Claim Rejections - 35 USC § 103***

5. Claims 1, 3-5, 7-10, 13-15, 17, 28 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde et al, US Patent Application Publication 2004/0068542 (hereinafter Lalonde), and Kirsch, US Patent 7,206,814 (hereinafter Kirsch) in view of Wang, US Patent Application Publication 2008/0040439 (hereinafter Wang).

6. As per claims 1 and 35, Lalonde teaches the invention substantially as claimed, comprising: executing instructions stored in a computer readable storage medium to determine

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the domain from which the message is purported to be sent (Fig. 6; [0040]); executing instructions stored in a computer readable storage medium to determine an IP address from the message, the IP address corresponding to a device which the message was relayed at some point in transmission of the message (Fig. 6; [0040]); executing instructions stored in a computer readable storage medium to associate the domain with the IP address (Fig. 6; [0031] and [0040]); and executing instructions stored in a computer readable storage medium to classify the message according to the domain and IP address ([0039] and [0040]).

7. Lalonde does not specifically teach create an IP address and domain pair. Kirsch teaches executing instructions stored in a computer readable storage medium to associate the domain with the IP address to create an IP address and domain pair (col. 6, lines 10-40); executing instructions stored in a computer readable storage medium to classify the message according to the IP address and domain pair based on one or more classification variables associated with the IP address and domain pair (col. 8, lines 31-56); and executing instructions stored in a computer readable storage medium to assign a score to the IP address and domain pair, the score comprising a ratio of a first classification variable to a second classification variable (col. 12, lines 1-30; col. 11, lines 24-60).

8. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde and Kirsch because Kirsch's teaching of IP address and domain pair would increase the security of Lalonde's system by creating a more trustworthy identifier to indicate an actual sender of the message.

9. Lalonde and Kirsch do not teach variable decaying with time. Wang teaches the one or more classification variables decaying with time ([0046], [0047] and claims 5 and 22).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch and Wang because Wang's teaching of variables decaying with time would increase the security of their system by allowing their system to determine whether to accept or reject messages on the basis of the classification of the sender.

11. As per claim 3, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach comparing the IP address and domain pair with a related IP address and domain pair (col. 8, lines 11-35; col. 9, lines 26-28).

12. As per claim 4, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes checking classifications of other messages associated with the same domain (i.e., checking the blacklist) ([0042]) and different IP addresses ([0039]).

13. As per claim 5 Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein a plurality of IP addresses is associated with the domain ([0039]).

14. As per claim 7, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teaches wherein the IP address is a boundary IP address (col. 7, line 30).

15. As per claim 8, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein the IP address is preconfigured ([0039]).

16. As per claims 9 and 13, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Although Lalonde teaches wherein the IP address is preconfigured ([0039]), however, Lalonde, Kirsch and Wang do not specifically teaches including wherein the IP address is preconfigured to be one hop from a gateway IP address. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include IP address preconfigured to be one hop or any hop from a gateway IP address because by doing so it would increase the user control by allowing configuration according to the user's design choice.

17. As per claim 10, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein the IP address is learned ([0039]) (learned from the DNS).

18. As per claim 14, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach wherein determining the domain from which the message is purported to be sent includes identifying the stated sender domain associated with the message (col. 7, lines 55-64).

19. As per claim 15, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teaches wherein the domain is a domain associated with a boundary IP address (col. 7, lines 30, 49-54).

20. As per claim 17, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes forming a score based on previous classifications made to the IP address and domain pair (see Lalonde, [0038] and see Kirsch, col. 12, lines 1-30).

21. As per claim 28, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teaches providing a classification based on the IP address and domain pair as input to another classifier (col. 8, lines 17-62).

22. As per claim 30, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the IP address ([0039]).

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23. As per claim 31, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the domain ([0038]).

24. As per claim 32, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the domain and determining that the message was forged ([0038]).

25. As per claim 33, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes determining a score for the IP address (see Lalonde, [0038]; see Kirsch, col. 12, lines 1-30).

26. As per claim 34, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes determining a score for the domain (see Lalonde, [0038]; see Kirsch, col. 12, lines 1-30).

27. Claims 2, 6, 11, 16, 19-21 and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde, Kirsch and Wang as applied to claim 1 above, and further in view of Murray et al, U.S. Patent 7,366761 (hereinafter Murray).

28. As per claim 2, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach overriding a white list. Murray teaches

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executing instructions stored in a computer readable storage medium to override a white list based on the classification (col. 18, lines 38-40).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of overriding a white list based on the classification would increase the effectiveness of their system by filtering unwanted e-mails based on sender information.

30. As per claim 6, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach the IP address is associated with the domain. Murray teaches wherein the IP address is associated with the domain (col. 7, line 65-col. 8, line 4).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of the IP address is associated with the domain would increase the effectiveness of their system by allowing identification of the IP address is associated with the domain in order to filter unwanted e-mails based on sender information.

32. As per claim 11, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach including the IP address is adaptively determined. Murray teaches wherein the IP address is adaptively determined (col.3, lines 25-27).

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33. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of the IP address is adaptively determined would increase the effectiveness of their system by allowing determination of the IP address in order to filter unwanted e-mails based on sender information.

34. As per claim 16, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach consulting a white list. Murray teaches wherein classifying includes consulting a white list (col. 4, line 66-col. 5, line 6).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of consulting a white list would increase the effectiveness of their system by allowing identification of the e-mails in order to classify wanted or unwanted e-mails based on sender information.

36. As per claim 19, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach determining a spam ratio. Murray teaches determining a spam ratio (col. 9, lines 8-13).

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37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of determining a spam ratio would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam ratio.

38. As per claim 20, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach a spam rate. Murray teaches determining a spam rate (col. 10, lines 53-65).

39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of determining a spam rate would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam rate.

40. As per claim 21, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach a spam rate. Murray teaches determining an estimated instantaneous spam rate (col. 10, lines 53-65; col. 11, lines 24-27).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because

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Murray's teaching of determining a spam rate would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam rate.

42. As per claim 23, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving a classification weight relative to another classification. Murray teaches wherein classifying includes giving a classification variable greater weight relative to another classification variable (col. 9, lines 20-31).

43. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of giving a classification greater weight relative to another classification would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's reputation.

44. As per claim 24, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving a classification weight relative to a computer classification. Murray teaches wherein classifying includes giving a classification variable associated with user greater weight relative to a classification variable associated with computer classification (col. 8, lines 44-50; col. 9, lines 20-31).

45. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because

Murray's teaching of giving a classification greater weight relative to a computer classification would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on complied sender's reputation.

46. As per claim 25, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving weight of a good classification. Murray teaches wherein classifying includes giving an indeterminate classification a fraction of the weight of a good classification (col. 9, lines 20-31).

47. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of giving weight to a good classification would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's good reputation.

48. As per claims 26 and 27, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach consulting a table indexed by IP address and domain. Murray teaches wherein classifying includes consulting a table indexed by IP address and domain wherein each cell includes information about previous classifications (col. 9, lines 32-40).

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49. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of consulting a table of IP address and domain would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's information.

50. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde, Kirsch and Wang as applied to claim 1 above, and further in view of Appleman, U.S. Patent Application Publication 2005/0076240 (hereinafter Appleman).

51. As per claim 29, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Although Lalonde teaches providing the IP address and domain classification as input ([0038] and [0039]), however, Lalonde, Kirsch and Wang do not specifically teach a Bayesian classifier. Appleman teach providing classification based on the IP address and domain as input to a Bayesian classifier ([0058]).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Appleman because Appleman's teaching of providing the IP address and domain classification as input to a Bayesian classifier would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's information.

53. Applicant's arguments with respect to claims 1-11, 13-17, 19-21 and 23-35 have been considered but they are not persuasive.

54. In the remarks, applicant argued that:

- (1) The prior arts of record fail to teach classifying the message according to the IP address and domain pair based on one or more classification variables associated with the IP address and domain pair.

55. In response to point (1), Kirsch teaches identifying the actual sender based on the IP address and domain pair (col. 6, lines 10-40). Kirsch further teaches classifying message as wanted or unwanted message based on the one or more classification variable (e.g., information about the actual sender, statistics, etc.) of the identified actual sender (col. 8, lines 31-56). This means classification of message must be according to the identified actual sender (i.e., IP address and domain pair) in order to identify information of the actual sender for classifying the message. Also, the classification is based on variable associated with the identified actual sender (i.e., IP address and domain pair).

## **CONCLUSION**

56. Applicant is reminded that for any amendments to the claims (including any new claim) that is not encompassed by the preexamination search and accelerated examination support documents previously filed, applicant is required to provide updated preexamination search and

accelerated examination support documents that encompass the amended or new claims at the time of filing the amendment. Failure to provide such updated preexamination search and accelerated examination support documents at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. See MPEP § 708.02(a) subsection VIII.D. for more information.

57. If the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

58. Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

59. Any reply to this communication filed via EFS-Web must include a document that is filed using the document description of “Accelerated Exam - Transmittal amendment/reply.” Applicant is reminded to use proper indexing for documents to avoid any delay in processing of follow on papers. Currently document indexing is not automated in EFS-Web and applicant must select a particular document description for each attached file. An incorrect document description for a particular file may potentially delay processing of the application. A complete listing of all document codes currently supported in EFS-Web is available at <http://www.uspto.gov/ebc/portal/efs/docindexing.pdf>.

60. Any payment of fees via EFS-Web must be accompanied by selection of a proper fee code. An improper fee code may potentially delay processing of the application. Instructions on payment of fees via EFS-Web are available at <http://www.uspto.gov/ebc/portal/efs/quick-start.pdf>.

61. A period for reply to this Office action is set to expire ONE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2448

